

**APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION**

Work Session
York Hall East Room
March 28, 2001
7:00 PM

MEMBERS

Spencer W. Semmes, Chair
Andrew A. Simasek, Vice Chair
Robert E. Beil, Jr.
Robert D. Heavner
Michael H. Hendricks
Thomas G. Shepperd
Ann F. White

CALL TO ORDER

Chair Spencer Semmes called the adjourned meeting to order at 7:00 p.m. All of the members were present except Mr. Heavner. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, Michael S. King, and Olivia D. Wilkinson.

Mr. Semmes explained that the purpose of the meeting is for the Planning Commission to discuss Application ZT-56-01 and that the public hearing was held two weeks ago so there will be no opportunity for public comments at this meeting.

PRESENTATION

Mr. Mark Carter reviewed his document, "Existing WC/I (Water-Oriented Commercial/Industrial) zoning districts," and a set of maps correlating to it. He also discussed a handout containing excerpts from the Comprehensive Plan and Zoning Ordinance, "Comprehensive Plan and Zoning Ordinance Provisions. [All handouts are filed with the Minutes of Record.]

DISCUSSION

The members and staff considered and discussed a number of points that included:

- It is a complex issue.
- Many people have vested financial and emotional interests in the issue.
- There is merit on both sides.
- The application is a request for a text amendment, not to be confused with a request for rezoning.
- The intent of the Comprehensive Plan committee was for the WC/I district to be more flexible than restrictive.
- There is a relatively short period, 90 days total, to make a recommendation to the Board.
- The desire to eliminate the term "eating facilities" in favor of something more specific.
- If the restaurant size were so restricted as to make it unprofitable, the amendment would be useless.

The Commissioners considered several approaches, including:

- Appointing a subcommittee to take up to 35 days to present a concept for which the Commissioners and staff would then draft specific language.
- Recommending by-right restaurants in WC/I districts; restaurants allowed only by use permit; or a combination of the two.
- Recommending restaurants by use permit without establishing performance criteria but considering each application on a case-by-case basis.
- Recommending performance criteria based on some or a combination of the following: number of seats; size as a percentage of total square footage of the marina, availability of area for expansion, number of wet and/or dry boat slips; and availability of automobile parking area.

Mr. Carter agreed that an amendment could be written without performance criteria because the existing Zoning Ordinance contains some very general provisions that apply to any use permit application. However, it would be advantageous to provide some specific standards to give the applicant an idea of what is expected, he said, because otherwise there is a risk of the applicant and the staff "searching in the dark" to come up with an acceptable application.

Mr. Barnett added that there are other advantages to adopting some criteria in the Ordinance. It means that applications that come before the Board "have gone through a sieve" and the Board is relieved of having an unnecessarily troublesome application land in their laps. Some of the more questionable applications are thereby eliminated and controversy avoided. He added that the courts generally like to know that a governing body has acted in accordance with some specific standards.

Mr. Semmes suggested that the staff be asked to develop a draft amendment to incorporate the following:

- Restaurants allowed by special use permit in the WC/I zoning district only as an accessory use to a marina.
- Elimination of the term, "eating facility."
- Performance criteria to prohibit non-marina functions; any increase in traffic over what the marina would normally generate; excessive lighting and noise; and will address signage and any additional parking requirements.

Ms. White moved to assign the staff to draft an amendment as proposed by Chair Semmes. The motion passed by a roll call vote of 6:0.

The Commission discussed the time frame for making a formal recommendation to the Board and determined that the application should be placed on the May agenda to decide if more work or another public hearing is needed, or adopt a resolution. They then scheduled an adjourned meeting for May 2, 2001 at 7:00 P.M. in the East Room to receive the staff proposal.

ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Spencer W. Semmes, Chair

DATE: April 11, 2001